

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 841, Page 8, Section 304.190, Line 50
by inserting after said line the following:

"304.230. 1. It shall be the duty of the sheriff of each county or city to see that the
provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of
any county or city or any highway patrol officer shall have the power to arrest on sight or upon a
warrant any person found violating or having violated the provisions of such sections.

2. The sheriff or any peace officer or any highway patrol officer is hereby given the power
to stop any such conveyance or vehicle as above described upon the public highway for the
purpose of determining whether such vehicle is loaded in excess of the provisions of sections
304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions
thereof he or she shall have a right at that time and place to cause the excess load to be removed
from such vehicle; and provided further, that any regularly employed maintenance man of the
department of transportation shall have the right and authority in any part of this state to stop any
such conveyance or vehicle upon the public highway for the purpose of determining whether such
vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds
such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that
time and place to cause the excess load to be removed from such vehicle. When only an axle or a
tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift the load, if
this will not overload some other axle or axles, without being charged with a violation; provided,

Action Taken _____

Date _____

1 however, the privilege of shifting the weight without being charged with a violation shall not
2 extend to or include vehicles while traveling on the federal interstate system of highways. When
3 only an axle or tandem axle group of the vehicle traveling on the federal interstate system of
4 highways is overloaded and a court authorized to enforce the provisions of sections 304.170 to
5 304.230 finds that the overloading was due to the inadvertent shifting of the load changing axle
6 weights in transit through no fault of the operator of the vehicle and that the load thereafter had
7 been shifted so that no axle had been overloaded, then the court may find that no violation has
8 been committed. The operator of any vehicle shall be permitted to back up and reweigh, or to turn
9 around and weigh from the opposite direction. Any operator whose vehicle is weighed and found
10 to be within five percent of any legal limit may request and receive a weight ticket, memorandum
11 or statement showing the weight or weights on each axle or any combinations of axles. Once a
12 vehicle is found to be within the limits of section 304.180 after having been weighed on any state
13 scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a
14 presumption shall exist that cargo or fuel has been added if upon reweighing on another state scale
15 the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The highways
16 and transportation commission of this state may deputize and appoint any number of their
17 regularly employed maintenance men to enforce the provisions of such sections, and the
18 maintenance men delegated and appointed in this section shall report to the proper officers any
19 violations of sections 304.170 to 304.230 for prosecution by such proper officers.

20 3. The superintendent of the Missouri state highway patrol may assign qualified persons
21 who are not highway patrol officers to supervise or operate permanent or portable weigh stations
22 used in the enforcement of commercial vehicle laws. These persons shall be designated as
23 commercial vehicle inspectors and have limited police powers:

24 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations
25 of rules and regulations of the division of motor carrier and railroad safety of the department of
26 economic development and department of public safety, and laws, rules, and regulations
27 pertaining to commercial motor vehicles and trailers and related to size, weight, fuel tax,
28 registration, equipment, driver requirements, transportation of hazardous materials and operators'
29 or chauffeurs' licenses, and the provisions of sections 303.024 and 303.025, RSMo;

Action Taken _____

Date _____

1 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
2 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
3 the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when
4 reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as
5 defined by Title 49 of the Code of Federal Regulations;

6 (3) To make arrests for violation of subdivisions (1) and (2) of this subsection.
7 Commercial vehicle inspectors shall not have the authority to exercise the powers granted in
8 subdivisions (1), (2) and (3) of this subsection until they have successfully completed training
9 approved by the superintendent of the Missouri state highway patrol; nor shall they have the right
10 as peace officers to bear arms.

11 4. The superintendent of the Missouri state highway patrol may appoint qualified persons,
12 who are not members of the highway patrol, designated as commercial vehicle enforcement
13 officers, with the powers:

14 (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining
15 to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the
16 provisions of sections 303.024 and 303.025, RSMo;

17 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
18 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
19 compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo
20 inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous
21 materials as defined by Title 49 of the Code of Federal Regulations;

22 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this
23 subsection. Commercial vehicle enforcement officers shall not have the authority to exercise the
24 powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully
25 completed training approved by the superintendent of the Missouri state highway patrol.
26 Commercial vehicle enforcement officers shall have the right as peace officers to bear arms.

27 5. Any additional employees needed for the implementation of this section shall be hired
28 in conformity with the provisions of the federal fair employment and antidiscrimination acts.

29 6. Any part of this section which shall be construed to be in conflict with the axle or

Action Taken _____

Date _____

1 tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of the
2 United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

3 7. Beginning January 1, 2009, no local law enforcement officer may conduct a random
4 commercial motor vehicle roadside inspection to determine compliance with the provisions of
5 sections 304.170 to 304.230 unless the law enforcement officer has satisfactorily completed, as a
6 part of his or her training, the basic course of instruction developed by the Commercial Vehicle
7 Safety Alliance and has been approved by the Missouri state highway patrol under this section.
8 Law enforcement officers authorized to enforce the provisions of sections 304.170 to 304.230
9 shall annually receive in-service training related to commercial motor vehicle operations,
10 including but not limited to training in current federal motor carrier safety regulations, safety
11 inspection procedures, and out-of-service criteria. The annual training requirements shall be
12 approved by the superintendent of the state highway patrol."; and
13

14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.
16

Action Taken _____

Date _____